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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,870	01/29/2001	Thomas Francis McGee III	US010016	7779

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,870

Applicant(s)

MCGEE ET AL.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 13 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US. Patent No. 6,665,869 B1).

Regarding on claim 1, Ellis teaches a method for searching for television programs comprising the step of:

Identifying at least one key object (titles of program guide) in at least one Internet document (common terms in selection made by the user) (col. 7, lines 25-30));

Sending said at least one key object to a search capable video recorder (col. 7, lines 1-5); and

Conducting a key object search with search capable video recorder to locate at least one television program that contains said at least one key object (col. 7, lines 1-5).

Ellis does not explicitly teach the search capable video recorder. However, Ellis teaches "each user has user television equipment 22. User television equipment 22 typically contains a set-top box 24, a video cassette recorder 26, and a television 28" (col. 4, lines 1-7). Video cassette recorder is a part of the system that allows the user to retrieve the programs to view and record. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include video cassette recorder as a part of the searchable television as taught by Ellis to allow the user to search and record the programs for the later view.

Regarding on claim 2, Ellis teaches identifying a plurality of key objects in at least one Internet (col. 7, lines 14-51);

Placing said plurality of key objects in a list of key objects (col. 7, lines 14-51);

Sending said list of key objects to said search capable video recorder (col. 7, lines 14-51; and

Conducting a key object search with said search capable video recorder to locate at least one television program that contains at least one key object in said list of key objects (col. 7, lines 14-51).

Regarding on claim 3, Ellis teaches increasing the number of said plurality of key objects in said list of key objects by adding key objects to said list that are similar to said plurality of key objects in said list of key objects (col. 7, lines 14-53).

Regarding on claim 4, Ellis teaches providing search results of said key object search to a viewer, said search results identifying at least one television program that contains at least one key object (titles from the programs guide) (col. 7, lines 1-5);

Selecting at least one television program that contains at least one key object in response to a viewer instruction (col. 7, lines 1-5); and

recording in said search capable video recorder said at least one television program selected by said viewer (col. 7, lines 25-30).

Regarding on claim 5, Ellis teaches receiving in said search capable video recorder search results of said key object search, said search results containing at least one television program that contains at least one key object (col. 7, lines 1-5); and

recording in said search capable video recorder at least one of the television program identified in said search results (col. 5, lines 25-30).

Regarding on claim 6, Ellis teaches using a selection criterion to select at least one television program from said search results to be recorded (col. 5, lines 25-30).

Regarding on claim 7, Ellis teaches selection criterion comprises one of: selecting only those television program that will be shown in a particular time period (col. 4, lines 1-3), selecting only those television programs that are deemed to be the most relevant to a particular topic, selecting all television programs that appear within a search result until the disk space limit of a search capable of video recorder has been reached, selecting television program that may be overwritten by said search capable video recorder, and selecting television programs that may not be over written by said search capable video recorder.

Regarding on claim 8, Ellis recording in said search capable video recorder the entire television program identified in said search results (col. 5, lines 25-30).

Regarding on claim 9, Ellis teaches key object search is conducted for a predetermined period of time (col. 4, lines 1-7).

Regarding on claim 10, Ellis teaches key object search identifies at least one television program using program identification information (col. 14-lines 14-53).

Regarding on claim 11, Ellis teaches key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key objects used in said key object search (col. 8, lines 14-53)

Regarding on claim 12, Ellis teaches search capable video recorder comprises one of: a video recorder with a hard disk memory (computer 240 having a mass storage device) (col. 7, lines 4-5), a television set with a video recorder with a hard disk memory, a set top box with a video recorder with a hard disk memory, a video cassette recorder with a hard disk memory, and a personal computer with a video card.

Regarding on claims 13 and 19, Ellis teaches a method for searching for television programs comprising the steps of:

identifying at least one key object (program guide) in at least one Internet document (user select from program guide) (col. 5, lines 25-30);

sending said at least one key object (title) to a search capable video recorder (col. 7, lines 1-5));

conducting a key object search with said search capable video recorder to locate at least one television program that contains said at least one key object (program guide application 56 to access program data) (col. 7, lines 1-5);

providing search results of said key object search to a viewer (program guide including the titles and others), said search results identifying at least one television program that contains at least one key object (col. 7, lines 1-5); and

selecting at least one television program that contains at least one key object in response to a viewer instruction (col. 7, lines 1-5).

recording in said search capable video recorder said at least one television program selected by said viewer (col. 5, lines 25-30).

Ellis does not explicitly teach the search capable video recorder. However, Ellis teaches "each user has user television equipment 22. User television equipment 22 typically contains a set-top box 24, a video cassette recorder 26, and a television 28" (col. 4, lines 1-7). Video cassette is a part of the system the allow the user to retrieve the programs to view and record. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include video cassette recorder as a part of the searchable television as taught by Ellis to allow the user to search and record the programs for the later view.

Regarding on claim 14, Ellis teaches conducting said key object search in said search capable video recorder in television programs that have previously been recorded in said search capable video recorder (database) (col. 7, lines 1-10).

Regarding on claims 15 and 20, Ellis teaches key object search is conducted for a predetermined period of time (col. 8, lines 1-54).

Regarding on claims 16 and 20, Ellis teaches key object search identifies at least one television program using program identification information (titles) (col. 8, lines 1-54).

Regarding on claims 17 and 22, teaches key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key objects used in said key object search .

Regarding on claims 18 and 23, Ellis teaches search capable video recorder comprises one of: a video recorder with a hard disk memory (computer 240 having a mass storage device) (col. 7, lines 4-5), a television set with a video recorder with a hard disk memory, a set top box with a video recorder with a hard disk memory, a video cassette recorder with a hard disk memory, and a personal computer with a video card.

Regarding on claim 24, Ellis notifying said viewer when said search capable video recorder has recorded said at least one television program selected by said viewer (col. 5, lines 25-30).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

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Art Unit: 2172

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Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
Jan 22, 2004


JEAN M. CORRIELUS
PRIMARY EXAMINER